

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06- 04

AN ORDINANCE ANNEXING 3.525 ACRES, APPROVING WILSON RIDGE NO. 2 ANNEXATION (ZCA2005-00005), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT # 1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on April 25, 2006, to consider the annexation of two parcels of land and portions of the rights-of-way of both SW Bull Mountain Road and SW 133rd Avenue for a total of 3.525 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District on April 25, 2006; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District by Ordinance; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the current zoning district is R-7, an existing City zone that has been adopted by the County and the zoning after annexation would remain R-7 so that no zone change is necessary, and by annexation the Comprehensive Plan of the City of Tigard goes into effect; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcels described in the attached Exhibit "A" and shown in Exhibit "B" and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" as findings in support of this decision; a copy is attached hereto as Exhibit D and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District shall be the effective date of this annexation.

SECTION 6: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2007.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED:

By unanimous vote of all Council members present after being read by number and title only, this 25th day of April, 2006.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 25th day of April, 2006.


Craig Dirksen, Mayor

Nick Wilson, Council
President

Approved as to form:


City Attorney

April 25, 2006
Date



LEGAL DESCRIPTION
WILSON RIDGE NO. 2 ANNEXATION

JOB NO. 402-027

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

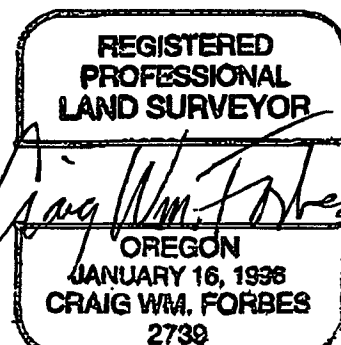
BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF S.W. BULL MOUNTAIN ROAD (COUNTY ROAD NO. 2515) LYING 20.00 FEET, RIGHT ANGLE MEASURE, NORTHEASTERLY OF THE CENTERLINE, FROM WHICH THE SOUTHWEST CORNER OF PARCEL 2 OF PARTITION PLAT NO. 2000-086 BEARS SOUTH 59°20'07" EAST, 57.18 FEET; THENCE ALONG SAID LINE NORTH 59°20'07" WEST, 542.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF S.W. BULL MOUNTAIN ROAD, SAID POINT BEING THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 133RD AVENUE LYING 25.00 FEET, RIGHT ANGLE MEASURE, WEST OF THE CENTERLINE OF S.W. 133RD AVENUE; THENCE ALONG SAID EXTENSION AND WESTERLY RIGHT-OF-WAY LINE SOUTH 00°31'25" EAST, 433.67 FEET; THENCE SOUTH 88°28'35" EAST, 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF S.W. 133RD AVENUE; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 92062674; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°26'35" EAST, 201.50 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE MOST SOUTHERLY WEST LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 97046401 TO THE SOUTHWEST CORNER OF SAID PROPERTY SOUTH 01°31'18" WEST, 44.14 FEET; THENCE SOUTH 88°46'45" EAST, 235.56 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY SAID POINT ALSO BEING A POINT ON THE WEST LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 97048724; THENCE ALONG SAID LINE NORTH 01°13'18" EAST, 156.30 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF S.W. BULL MOUNTAIN ROAD; THENCE ALONG SAID LINE NORTH 59°20'07" WEST, 13.88 FEET TO A POINT WHICH IS THE INTERSECTION OF SAID LINE WITH THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF S.W. FORAN TERRACE; THENCE ALONG SAID LINE NORTH 01°38'36" EAST, 45.74 FEET TO POINT OF BEGINNING.

CONTAINING APPROXIMATELY 153,541 SQUARE FEET OR 3.525 ACRES.

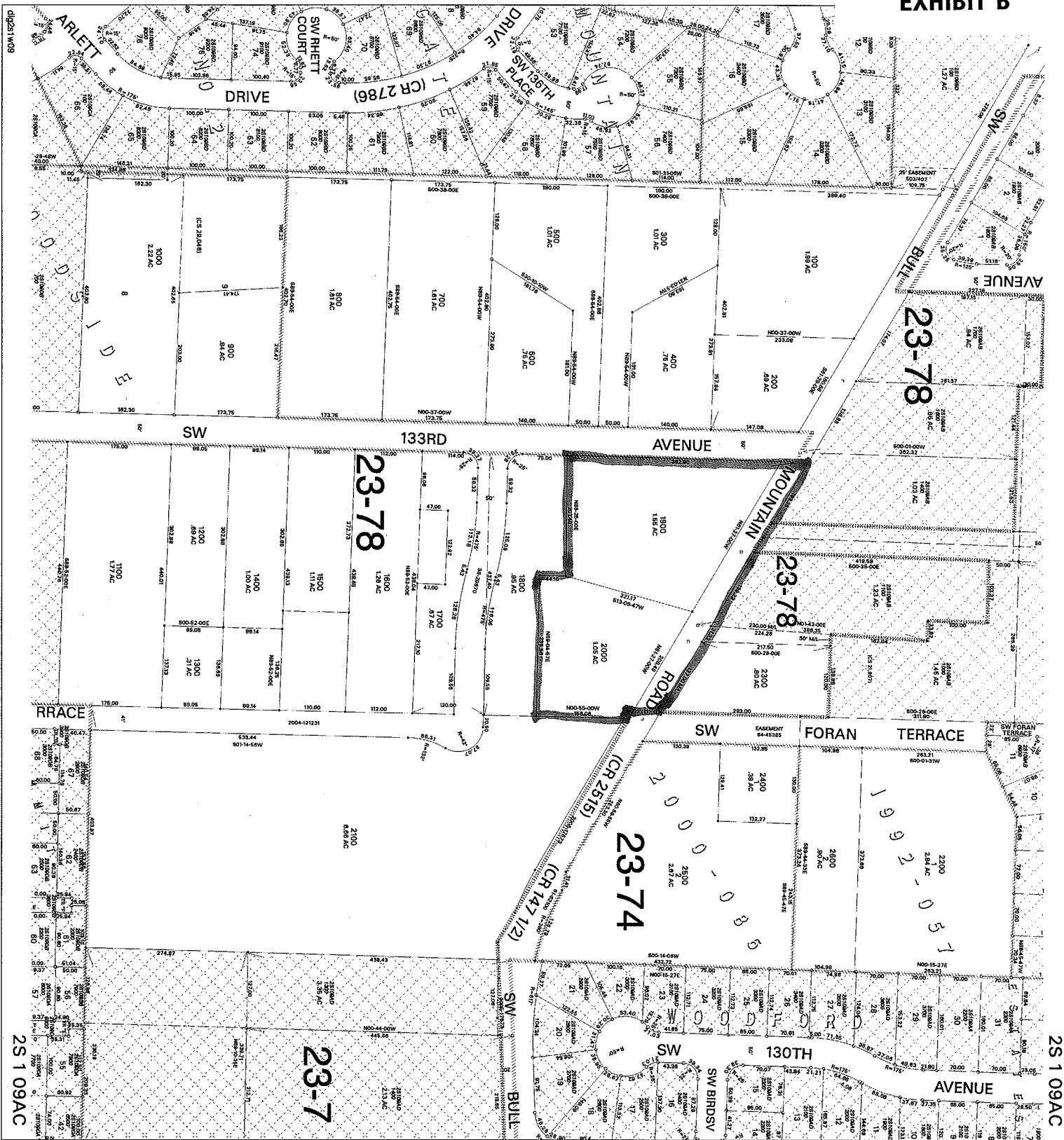
THE BASIS OF BEARING FOR THIS DESCRIPTION IS WASHINGTON COUNTY SURVEY NO. 29,960.

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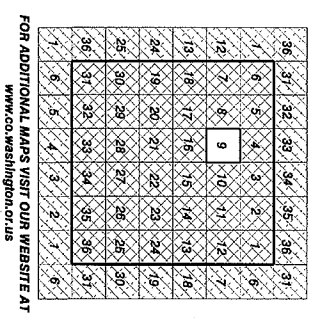
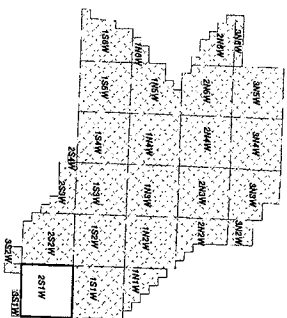
1/11/05 UNTIL 12/31/05



2S 1 09AC

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WASHINGTON COUNTY OREGON
SW 1/4 NE 1/4 SECTION 09 T2S R1W W.M.
SCALE 1" = 100'



BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD



PLOT DATE: April 04, 2005
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by either grey shading or a cross-hatched
pattern are for reference only and may not indicate the most
current property boundaries. Please consult the appropriate map
for the most current information.

TIGARD
2S 1 09AC